

REMARKS

Claims 1-5, 7-14, and 16-18 are pending.

Applicants respectfully acknowledge and appreciate the Examiner rejoining and considering previously withdrawn Claims 7, 9, 11, 16 and 18.

By this Amendment, Claims 1 and 12 are amended. Support for the amendments is provided in the application as originally filed, see, for example, Figure 3.

Applicants respectfully submit that no new matter is presented herein.

Entry of Response Proper

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

Claim Rejections – 35 U.S.C. §102/§103

Claims 1-5, 6-8, 12-14 and 16 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,497,800 to Ohashi et al. (Ohashi); and

Claims 9-11 and 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohashi in view of U.S. Patent Number 6,343,590 to Nagai et al. (Nagai).

Applicants respectfully traverse both rejections for at least the following reason(s).

Claims 1 and 12 each recite a vaporized fuel processing device having, among other features, a diaphragm valve unit is disposed in and surrounded on at least three sides by a space defined in a casing, wherein a portion of the space is disposed directly between a fuel cut valve and a diaphragm valve unit and a remaining portion of the space is located directly next to at least one side of the diaphragm valve unit and directly above an upper surface of the diaphragm valve unit.

Applicants respectfully submit that Ohashi and Nagai, either alone or in any combination thereof, fails to disclose, teach or suggest such a feature.

For example, Ohashi teaches a space disposed directly between the diaphragm valve unit 40 and fuel cut valve 30. However, as seen in Figure 2, the diaphragm valve unit 40 is located at the very top of the casing 12 such that it is impossible for the space to also be located directly above an upper surface of the diaphragm valve unit 40. Furthermore, Applicants also note that the space cannot be located directly next to at least one side of the diaphragm valve unit 40 since the diaphragm valve unit 40 spans the entire upper region of the space. Moreover, applicants submit that there is no motivation to one of ordinary skill in the art to

lower the diaphragm valve unit 40 so the space can surround the diaphragm valve unit 40 on at least three sides thereof.

To qualify as prior art under 35 U.S.C. §102, each and every feature of a rejected claim must be disclosed by the applied art of record. Since Ohashi fails to disclose each and every feature of Claims 1 and 12 for at least the reasons provided above, Applicants respectfully submit that Claims 1 and 12 are not anticipated by or rendered obvious in view of Ohashi and should be deemed allowable.

As for Nagai, Applicants note Nagai is now cited for teaching a liquid-level detecting valve (7), a feature which does not cure the above-described deficiency of Ohashi.

For at least these reasons, Applicants respectfully submit that Claims 1 and 12 should be deemed allowable.

Claims 2-5, 8 and 10 depend from Claim 1. Claims 13-14 and 17 depend from Claim 12. It is respectfully submitted that these dependent claims should also be deemed allowable for at least same the reason(s) Claims 1 and 12, respectively, are allowable.

Withdrawal of the rejections is respectfully requested.


Conclusion

In view of the above, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-5, 7-14 and 16-18, and the prompt issuance of a notice of allowance is respectfully requested.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107355.00110.**

Respectfully submitted,



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